

Appl. No. 10/040,012  
Amdt. dated August 18, 2005  
Reply to Office Action of February 18, 2005

PATENT

**REMARKS/ARGUMENTS**

Claims 4 and 5 are pending.

Claims 1-3 stand rejected under 35 USC 103 (a) as being unpatentable over Hafez et al. (US Patent No. 6,513,065), in view of Strandberg et al. (US Patent No. 6,647,412). This rejection is respectfully traversed and reconsideration is respectfully requested.

Applicant has cancelled claims 1-3 and added claims 4 and 5 to more clearly define his invention. It is respectfully submitted that with the cancellation of claims 1-3, the rejection of the claims is now moot.

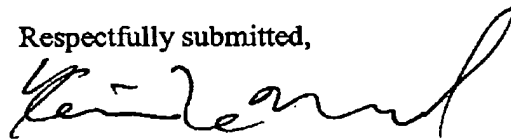
It is respectfully submitted that neither Hafez et al. nor Strandberg et al discloses a method for assessing server and network of servers capacity as recited in claims 4 and 5, and therefore, these claims are allowable.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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